



**KAMALA D. HARRIS**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**

1515 CLAY STREET, 20TH FLOOR  
P.O. BOX 70550  
OAKLAND, CA 94612-0550

Public: (510) 622-2100  
Telephone: (510) 622-4450  
Facsimile: (510) 622-2272  
E-Mail: [Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov)

December 16, 2014

**VIA ECF**

Mark Langer  
Clerk of the Court  
D.C. Circuit Court of Appeals  
333 Constitution Ave., NW  
Washington, D.C. 20001

RE: *Delta Construction Co., et al. v. EPA* (11-1428) and consolidated cases

Dear Mr. Langer:

Pursuant to Federal Rule of Appellate Procedure 28(j), Movant-Intervenor State of California provides this notice that California's Office of Administrative Law has approved the California regulation described in the Final Brief of Movant-Intervenor States (Docket No. 1524098) at pages 10-13 and in the Final Brief for Respondents (Docket No. 1524015) at page 35. The Movant-Intervenor States and Respondents have argued that this California regulation is relevant to whether Petitioners in Case No. 11-1428 have standing. The Movant-Intervenor States committed to notifying this Court when the regulation was finalized. *See* Docket No. 1524098 at 12 n.4. As indicated in the attached exhibit, the regulation was filed with the California Secretary of State on December 5, 2014 and went into effect on that date. As also indicated on the attachment, this action amended and added multiple sections of title 17 of the California Code of Regulations.

Sincerely,

/s/ M. Elaine Meckenstock

M. ELAINE MECKENSTOCK

Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2013-1015-07</b>	REGULATORY ACTION NUMBER <b>2014-1021-035</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2014 OCT 21 PM 4:37

OFFICE OF  
ADMINISTRATIVE LAWENDORSED FILED  
IN THE OFFICE OF

2014 DEC -5 PM 1:47

  
 DEBRA BOWEN  
 SECRETARY OF STATE

NOTICE	REGULATIONS
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 AGENCY WITH RULEMAKING AUTHORITY  
 Air Resources Board

AGENCY FILE NUMBER (if any)

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Heavy Duty GHG Phase 1	TITLE(S) 13/17	FIRST SECTION AFFECTED 1900/95300	2. REQUESTED PUBLICATION DATE October 25, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Trini Balcazar	TELEPHONE NUMBER (916) 445-9564	FAX NUMBER (Optional) (916) 322-3928
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013, 432	PUBLICATION DATE 10/25/2013	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Heavy Duty GHG Phase 1	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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## 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT T17 95660, 95661, 95662, 95663, 95664
	AMEND T13 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, 2147, 2485; T17 95300, 95301, 95302, 95303, 95305
	REPEAL
TITLE(S) 13, 17	

## 3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

## 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

May 27, 2014 - June 11, 2014; July 17, 2014 - August 1, 2014

## 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>January 1, 2015</u>
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per agency request

## 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

12/2/14

7. CONTACT PERSON Trini Balcazar, Regulations Coordinator	TELEPHONE NUMBER (916) 445-9564	FAX NUMBER (Optional) (916) 322-3928	E-MAIL ADDRESS (Optional) tbalcaza@arb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

10/19/2014

TYPED NAME AND TITLE OF SIGNATORY

Richard W. Corey, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 05 2014

Office of Administrative Law

**CERTIFICATE OF SERVICE**

Case **Delta Construction Co.,** No. **11-1428 (and**  
Name: **Inc. v. EPA** **consolidated cases)**

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I hereby certify that on December 16, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**28(j) Letter Concerning Approval of California's Regulation**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 16, 2014 at Oakland, California.

M. Elaine Meckenstock

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Declarant

/S/

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Signature